

**SENATE JOURNAL  
63RD LEGISLATURE  
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 28, 2013

Senate Chambers  
State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arntzen and Priest, excused. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair): 1/28/2013

Correctly printed: **SB 49, SB 116, SB 123, SB 165, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SJR 6, SJR 7, SJR 8, HB 25.**

Correctly engrossed: **SB 23, SB 40, SB 48, SB 77, SB 132, SB 146, SB 147.**

Transmitted to the House: **SB 26, SB 70, SB 90, SB 141.**

**MOTIONS**

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for a joint session for the purpose of hearing an address from Congressman Steve Daines, and then reconvene upon adjournment of the joint session. Motion carried.

The Senate recessed at 1:05 p.m.

The Senate was welcomed into the House of Representatives. President Essmann assumed the chair.

Majority Leader Wittich moved the body resolve itself into a joint session for the purpose of receiving an address from the Honorable Congressman for the State of Montana, Steve Daines. Motion carried.

Majority Leader Wittich moved that the President be authorized to appoint a committee of four to notify Congressman Daines that the body was in joint session and ready to receive his address. Without objection, President Essmann appointed Senators Jackson and Tropila, and Representatives Dudik and Glimm to escort Congressman Daines into the chamber.

President Essmann introduced Congressman Steve Daines who gave the following remarks:

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President Essmann, Speaker Blasdel, Senator Sesso and Representative Hunter. Members of the Montana State Senate and State House. Governor Bullock, Secretary of State McCulloch, Attorney General Fox, and other elected officials.

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It's an honor to be here with you today. And it's great to be home. I want to give a special hello to all of the brand-new legislators out there. I can relate. I am grateful for your willingness to serve the people of Montana. I have a deep appreciation for our state's true "citizen legislature." It's something that sets Montana apart from other states, and I think is a true reflection of how our elected leaders should serve.

Here, the people who pass the laws--all of you--will go home in 90 days or so and actually have to work and live under those same laws. Our citizen legislators remain connected to those they serve, because they work and live in those same communities. You know what it means to create jobs, because you still own a small business. You understand how precious our state's resources are, because when you get home, there will still be fields to cultivate and crops to eventually harvest, cows to take care of.

You know how important education is to our kids' futures, because you have kids still in school or are an educator yourself. Most importantly, you understand the importance of working together and putting politics and personality aside so that our kids and grandkids, so that our state, can have the best future possible.

It's a lesson that Washington needs to learn, and I hope it's an attitude that remains unwavering as you work through this year's legislative session. As Montana's sole voice in the U.S. House of Representatives, this is a principle that I strive to live by as well.

Senator Baucus, Senator Tester and myself make up just three voices among 535 in Washington, D.C. Needless to say, we're a bit outnumbered. So it's critical that our Montana voice is strong. It's important that we work together in Washington, to put Montana first, and that we also work closely with each of you. I enjoyed meeting with the Senators on my first day in office--some of you may have seen the photos of the three of us in my DC office.

And speaking of having Montanans back in Washington. My wife of 26 years, Cindy, was unable to join me for President Obama's inauguration last week, so I had a spare ticket for one of the best seats in the house. And I looked at it, and thought "Someone from Montana should get this." And I was delighted that our own Secretary of State, Linda McCulloch, was able to join me. I hear it's the first inauguration she's been to since Nixon's.

I also got to join Senator Baucus and our new governor, Steve Bullock, for what has become a Montana Inauguration Day tradition. The three of us, along with the Governor's daughter Caroline, had the opportunity to saddle up and ride horses all the way down Pennsylvania Avenue, from the U.S. Capitol to the White House. I just prayed it didn't turn into a rodeo. And if it did, I was ready to hang on for eight seconds and ride to the buzzer. It was such an honor to join Max and Steve for that ride. And I truly appreciate both of our Senators going out of their way to welcome me to Congress earlier this month.

You know, we won't always agree on everything. And that's okay. But we know that working for our state and the people who call Montana home must always remain our number one goal. And to best serve the people of Montana, we all need to work together. And we need to also work with all of you here at home.

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It's hard to believe that it's already been nearly a month since I was sworn into office. I was honored to have my wife, Cindy, my four kids, my parents, and my sister and her family join me in Washington, D.C. that day. I can't think of anyone more important to share that moment with than my family.

While taking the oath of office, I held on to this little tattered Bible that had been passed down by my grandfather, who was born and raised in Conrad, Montana. And two of my children, Caroline and Michael, sat next to me on the House floor. I was reminded in that moment that the things that are most important to me as a father are also most important to me as Montana's Congressman: what I pass down to my children. My grandfather passed down more than a little tattered Bible. He passed down commonsense Montana values. Values that have shaped who I am today.

My great-great-grandmother first came to Montana as a widow seeking a better future for her children, and she found it outside of Conrad, Montana. Montana pioneers made a future in our state because they shared commonsense values of hard work, saving for the future and helping their neighbors. Five generations later, we have the same responsibility to our children to save, to work hard and to hand down a future rich with opportunity and freedom. It's a stark comparison to what we're seeing in Washington, D.C.

It goes without saying, but I'll say it anyway: Washington is broken. From runaway spending to record deficits, Washington has a habit of rewarding all the wrong behaviors. That town doesn't promote success--it promotes failure.

I come from a business background, as I know many of you do. As any hardworking Montana taxpayer knows, families must balance their budgets...small businesses must balance their budgets...the state of Montana must balance its budget. It's about time Washington, D.C. did the same.

Washington consistently fails to live within its means. Washington knows how to cut deals. Montanans want them to solve problems. Washington has emerged from recession better than any other region in the country. Seven of the 10 wealthiest counties in the nation are found in the greater Washington, D.C. area, with a median income of more than \$100,000. That's more than twice the median income of Montana families.

While hard-working families from across the United States have had to make sacrifices, Washington continues to spend without limit, to reward inaction, and put special interests ahead of the needs of American families. Thankfully, we do things a little differently in Montana. I can think of no better example of what makes America great than the Treasure State.

Our Montana values--putting faith and family first, never being afraid of a hard day's work, taking responsibility for ourselves and our actions--these principles have shaped our state for the better. We value our resources and take pride in hard work and innovation. We honor the legacy that our grandparents and our veterans left us. Because we know that these lessons, these values, are what has allowed our state to prosper and grow.

Now, despite what we all believe and will tell to any out-of-stater who thinks differently, things aren't

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always perfect in Montana. But we learn from our mistakes, and we work to make things better. In Montana we don't give up. And we don't settle for "good enough" when we know that better is possible.

We have great success stories here in Montana. The City of Billings is a good example of this. Not too long ago, the city was in tough financial shape. So, they made tough decisions and introduced priority-based budgeting. Departments broke down operations into a series of programs, attached the cost and staffing level for those programs and ranked them by priority.

Seems like common sense--the sort of thing we do around the dinner table at home. This is just one example of taking commonsense ideas and creating real solutions. We need to bring these commonsense Montana solutions to Washington, D.C.

That's why I'm here today--to learn from all of you. And that's why I am spending the coming week meeting with Montanans who are innovators in business, public service, and education and have the real experience and real results needed in Washington if we want to pass down the same opportunities to our children.

We are fighting to protect the things we value and to leave a better future to the next generation. It's that simple but it's not going to be easy.

That's why I'm focused on three key principles--three commonsense Montana values--that we need to bring to Washington to win this fight.

First, we must never forget where we came from and what we're fighting for.

Our parents and grandparents shaped this country, and worked hard to leave a better future for each of us. We must keep the promises we've made to our seniors and protect what they've worked for and deserve.

And we must never forget those who gave the most--our veterans. I know many of you here today have served, and for that we owe our eternal gratitude and thanks. And like me, many of you have parents or grandparents who have served in our armed forces. My dad was a Marine, and his service and sacrifice to our nation inspired me and helped shape who I grew up to be.

He also instilled in me a deep appreciation of Montana's heritage. In Montana, we value our freedoms and we know the importance of protecting them. That's why I'm committed to protecting and defending Montanans' second amendment rights. I grew up hunting with my dad and my grandpa, a tradition I've passed on to my kids. After the election in November, I cleared out my schedule, shut off my Blackberry, and took my youngest son and daughter hunting.

Speaking of my kids, in Montana, we know how important family is. Every day, I am inspired by my four children. They are the reason why I decided to run for Congress. Like many of you, I'm worried about the future we're going to leave for the next generation.

This is the first time in our nation's history where we're at risk of leaving the next generation a future

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that is worse than the one our parents gave to us. We must take concrete steps today to ensure that doesn't happen. We need to ensure our kids have the opportunities to obtain a quality education and, just as importantly, that there are actually jobs available once they graduate.

Which is why, second, we must work toward commonsense solutions that grow our economy

Between miles of red tape, constantly changing regulations, and a tax code that's inches thick, it's no wonder that small businesses across the country are struggling. We have to make it easier for Montana businesses to grow and create jobs. It's time for real tax reform--a pro-growth tax code that provides American families and small businesses with certainty, not confusion, and encourages our small businesses to grow, invest, and hire new employees.

In this global economy, our competitors are no longer just down the street, or across the state, or across the country...they are now across the world. We need a tax code that enables American businesses with the ability to win in the global marketplace, and most importantly, create jobs.

We also need commonsense regulatory reform. Let's remove the red tape and the out-of-touch regulations that hold back our businesses, our health care providers, our family farms and ranches, and our energy producers. There are businesses just waiting to hire Montanans. But when the rules can change at the blink of an eye, it's nearly impossible for our state's businesses to invest in new workers.

This is perhaps no more evident than the ongoing debate over the Keystone XL pipeline. Let me be clear--this project means jobs for Montanans. It means coming one step closer to North American energy independence. This isn't about politics--Republicans and Democrats alike support the pipeline. This is about American jobs.

It's time for President Obama to approve this project.

Montana has an abundance of natural resources, from our mountains and rivers to energy sources like coal and natural gas. Those of us in Montana understand the importance of being good stewards of our resources. I believe that Montanans know how to best protect the resources we value, and we also know how to best put them to use.

I'm excited about the new partnership between the Crow Tribe and Cloud Peak Energy. That agreement will open up access to more than one billion tons of coal. That means new, good-paying jobs. That means millions of dollars injected into the economy. We should be encouraging these kinds of partnerships not putting up more roadblocks to commonsense energy production.

But to accomplish any of these objectives, we must get our country back on solid fiscal ground. We need to balance our budget. (For those of you who are counting, that's number three.)

When the Montana legislature adjourns this spring, you will have delivered a balanced budget for the people of Montana. I was looking over your website this week, and came across this: "Unlike the federal government, Montana state government cannot operate at a deficit. The state constitution requires the Legislature to balance the budget every session. In fact, passing a

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balanced budget is the only constitutionally required duty of the Legislature." I'd like to see this commonsense approach embraced in Washington.

Because Washington has proven time and time again that it is unable to live within its means. Out-of-control spending, \$16 trillion in debt, the absence of a budget. Enough is enough. Washington politicians need to spend less, not take more. I am calling on Congress to come together and pass a budget that will balance our nation's budget within 10 years. Anything less is unfair to the next generation. To get our nation's spending under control, to balance our budget, and to preserve the things we value most, we must make Washington accountable.

Montana families and small businesses understand that you can't spend more than you take in and that you need to balance your budget. These are common sense principles that Montanans live by every day--yet Washington refuses to follow them. It's absurd that Congress continues to refuse to fulfill the most basic requirement of their job--and that's passing a budget.

I've spent 28 years of my life in business, and I know that if you don't do your job, you don't get paid. We need to bring that same accountability to Washington. Our nation is facing a fiscal crisis, and Washington's refusal to balance its budget only drives us deeper into debt threatening our economic recovery, the promises we've made to our seniors, and the future we hope to leave to the next generation.

Washington must be accountable to the American people. That's why I supported the "No Budget, No Pay" Act last week that passed the U.S. House on a bipartisan vote. It's simple--the House and the Senate must pass a budget, or the members' pay is withheld.

And by the way, this "No Budget, No Pay" idea did not originate from folks like Paul Ryan or Eric Cantor... it originated from Democrat Jim Cooper of Tennessee. I signed on to Jim's bill as one of my first to-do's when I took office. You might recall, the U.S. Senate has not passed a budget in nearly four years. And this bill heads to the Senate next week where it is expected to pass.

It's common sense--if you don't do your job, you don't get paid. No budget, no pay. Measures like this reflect the things we've seen work in Montana. Commonsense business principles, that protect hardworking Montana taxpayers. We must make smart decisions today so that we can give to the next generation what they've been promised.

There's a fight ahead in Washington--a fight for the future for our kids, our state, our country.

We need to get our nation's debt under control. We need to balance the budget. We need to make Washington accountable to the American people. To Montanans. To you. I know I can't do it alone. I know that the solutions won't just come from one person or one party. It all comes back to working together. To bringing commonsense Montana ideas--like balancing a budget-- to Washington, D.C., to ensure our elected leaders are accountable to the people they serve.

I'm spending the rest of my week traveling the state and talking with Montana business owners, innovators, and community leaders, so that I can learn from and take those solutions to Washington.

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Because together, we can find solutions that put our nation back on track. Solutions that renew our economy and get Montanans back to work. Solutions that allow us to keep our promises to our grandparents and our veterans. Solutions that ensure we're leaving a better future for our kids.

It's been an honor to be here with you today. Thank you again for the work you're doing on behalf of our state--I look forward to working with all of you.

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President Essmann thanked Congressman Daines and directed the committee of four to escort the Congressman from the joint session.

Majority Leader Wittich moved the joint session be adjourned. Motion carried. The joint session was adjourned at 1:39 p.m.

The Senate reconvened at 1:45 p.m.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Murphy, Chair): 1/28/2013  
**SB 145**, do pass. Report adopted.  
**SJR 3**, do pass. Report adopted.  
**HB 92**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Vincent, Chair): 1/25/2013  
**SB 137**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "exclusions."

**Insert:** "(1)"

2. Page 1, line 17.

**Strike:** "(1)"

**Insert:** "(a)"

3. Page 1, line 18.

**Following:** "abandonment,"

**Insert:** "or"

4. Page 1, line 18.

**Strike:** ", or" through "circumstances"

5. Page 1, line 19.

**Strike:** "and"

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6. Page 1, line 20.

**Strike:** "(2)"

**Insert:** "(b)"

**Following:** "violation"

**Insert:** "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

7. Page 1, line 22.

**Following:** "exclusions."

**Insert:** "(1)"

8. Page 1, line 26.

**Strike:** "(1)"

**Insert:** "(a)"

9. Page 1, line 27.

**Following:** "abandonment,"

**Insert:** "or"

10. Page 1, line 27.

**Strike:** ", or" through "circumstances"

11. Page 1, line 28.

**Strike:** "and"

12. Page 1, line 29.

**Strike:** "(2)"

**Insert:** "(b)"

**Following:** "violation"

**Insert:** "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

13. Page 2, line 1.

**Following:** "exclusions."

**Insert:** "(1)"

14. Page 2, line 5.

**Strike:** "(1)"

**Insert:** "(a)"

15. Page 2, line 6.

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**Following:** "abandonment,"

**Insert:** "or"

16. Page 2, line 6.

**Strike:** ", or" through "circumstances"

17. Page 2, line 7.

**Strike:** "and"

18. Page 2, line 8.

**Strike:** "(2)"

**Insert:** "(b)"

**Following:** "violation"

**Insert:** "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

19. Page 2, line 10.

**Following:** "exclusions."

**Insert:** "(1)"

20. Page 2, line 14.

**Strike:** "(1)"

**Insert:** "(a)"

21. Page 2, line 15.

**Following:** "abandonment,"

**Insert:** "or"

22. Page 2, line 15.

**Strike:** ", or" through "circumstances"

23. Page 2, line 16.

**Strike:** "and"

24. Page 2, line 17.

**Strike:** "(2)"

**Insert:** "(b)"

**Following:** "violation"

**Insert:** "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

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25. Page 2, line 19.

**Following:** "exclusions."

**Insert:** "(1)"

26. Page 2, line 23.

**Strike:** "(1)"

**Insert:** "(a)"

27. Page 2, line 24.

**Following:** "abandonment,"

**Insert:** "or"

28. Page 2, line 24.

**Strike:** ", or" through "circumstances"

29. Page 2, line 25.

**Strike:** "and"

30. Page 2, line 26.

**Strike:** "(2)"

**Insert:** "(b)"

**Following:** "violation"

**Insert:** "; and

(c) the person is making an effort to abate the violation.

(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

And, as amended, do pass. Report adopted.

**SB 144**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AUTHORIZING"

**Insert:** "REQUIRING"

2. Title, page 1, line 6.

**Following:** "AWARDS;"

**Insert:** "PROHIBITING THE DEPARTMENT OF AGRICULTURE FROM APPLYING FOR OR RECEIVING GRANT AWARDS; CLARIFYING ELIGIBLE ADMINISTRATIVE COSTS AND EXPENDITURES SUBJECT TO THE ADMINISTRATIVE EXPENDITURE LIMITATION APPLICABLE TO THE NOXIOUS WEED MANAGEMENT PROGRAM;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

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3. Page 1, line 23.

**Strike:** "may"

**Insert:** "shall"

4. Page 1.

**Following:** line 25

**Insert:** "(e) The department may not apply for or receive grant awards from the noxious weed trust fund."

5. Page 2, line 14.

**Strike:** "administrative expenses of"

**Insert:** "costs incurred by"

**Strike:** "managing"

**Insert:** "administering"

6. Page 2, line 15.

**Strike:** "and" through "cost of"

**Insert:** ". In any fiscal year, the funds used by the department for"

**Following:** "the program"

**Insert:** ", including but not limited to personal services costs, operating costs, and other administrative and program costs attributable to the program,"

7. Page 2, line 15 through line 16.

**Strike:** the second "program" on line 15 through "expenses." on line 16

**Insert:** "amount expended through grants and contracts made under subsection (4). No additional administrative or other costs may be taken by the department on reverted funds used for future grant awards."

8. Page 2.

**Following:** line 27

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Priest, Chair):  
**SB 28**, introduced bill, be amended as follows:

1/25/2013

1. Title, page 1, line 8.

**Following:** "PRODUCTS;"

**Insert:** "LEGISLATIVELY OPTING OUT OF CERTAIN UNIFORM STANDARDS;"

**Strike:** "RULEMAKING AND"

2. Title, page 1, line 9.

**Following:** "33-1-311"

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**Strike:** ", "

**Insert:** "AND"

3. Title, page 1, line 10.

**Strike:** "AND 33-22-1103,"

4. Page 18, line 13.

**Insert:** "Article XVII. State of Montana Opt Out

In accordance with the provisions of Article VII, subsection (4)(b), the state of Montana opts out of all existing and prospective uniform standards involving long-term care insurance products and all existing uniform standards involving individual disability income insurance products in order to preserve the state's statutory and constitutional requirements governing these insurance products."

5. Page 18, line 18 through line 22.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

6. Page 20, line 17 through line 18.

**Strike:** "or the" on line 17 through "commission" on line 18

7. Page 20, line 21.

**Strike:** "or the interstate insurance product regulation commission"

8. Page 22, line 11 through line 16.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

9. Page 22, line 18.

**Strike:** "4"

**Insert:** "3"

10. Page 22, line 19.

**Strike:** "4"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**MOTIONS**

Majority Leader Wittich moved **SB 31** be taken from second reading this date and placed on second reading tomorrow, January 29, 2013. Without objection, so ordered.

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 176**, introduced by Peterson, T. Brown, Larsen, F. Moore, Sesso, referred to Judiciary.

**SB 198**, introduced by Thomas, Boland, Boulanger, Brenden, Fitzpatrick, Hoven, Jacobson, Larsen, O'Hara, Tropila, Van Dyk, referred to Judiciary.

**SB 199**, introduced by Thomas, Ballance, Facey, Peterson, referred to Education and Cultural Resources.

**SB 200**, introduced by Vincent, referred to Fish and Game.

**SB 201**, introduced by Hamlett, Connell, referred to Natural Resources.

**SB 202**, introduced by Kaufmann, referred to Highways and Transportation.

**SB 203**, introduced by Buttrey, Arthun, Brenden, Hamlett, L. Jones, Larsen, Mehlhoff, Price, Taylor, Windy Boy, referred to Education and Cultural Resources.

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 4**, introduced by Keane, referred to State Administration.

**SR 5**, introduced by Jent, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 2** - Senator Facey moved **SB 2** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 43

Nays: Brenden, Fielder, Ripley, Walker, Wittich.

Total 5

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

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Total 2

**SB 109** - Senator Rosendale moved **SB 109** do pass. Motion **failed** as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

**SB 109** - Senator Jergeson moved **SB 109** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 23

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

**SB 45** - Senator Keane moved **SB 45** do pass.

**SB 45** - Senator Kaufmann moved **SB 45**, second reading copy, be amended as follows:

1. Page 3, line 1.

**Strike:** "December 31, 2010"

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**Insert:** "[the effective date of this act]"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.  
Total 18

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.  
Total 30

Absent or not voting: None.  
Total 0

Excused: Arntzen, Priest.  
Total 2

**SB 45** - Motion to pass **SB 45** carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 44

Nays: Facey, Kaufmann, Malek, Wanzenried.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Arntzen, Priest.  
Total 2

**SB 63** - Senator Blewett moved **SB 63** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

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Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

**SB 117** - Senator Sonju moved **SB 117** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

**SB 21** - Senator Arthun moved **SB 21** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

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Total 2

**SB 134** - Senator Brenden moved **SB 134** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: Sonju, Vincent.

Total 2

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

**SB 12** - Senator Lewis moved **SB 12** do pass. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Wittich.

Total 27

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale,

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Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 43

Nays: Kaufmann, Sesso, Vuckovich, Wanzenried, Windy Boy.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Arntzen, Priest.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 49** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Arntzen, Priest.  
Total 2

**SB 116** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 48

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

**SB 123** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 46

Nays: Fielder, Sales, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

Total 2

Vote reflects vote change on motion on the following legislative day.

**SJR 6** passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy.

Total 42

Nays: Fielder, Moore, Sales, Wanzenried, Wittich, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: Arntzen, Priest.

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Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 29, 2013, the 19th legislative day. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate